

REMARKS

This Application has been carefully reviewed in light of the Official Action issued October 29, 2008. Claims 1-20 are pending in this Application. In order to advance prosecution of this Application, Claims 1, 11, and 16 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

The Examiner has objected to the title of the invention as not being descriptive. The title is commensurate with the preamble and scope of the claims. Therefore, Applicant respectfully submits that the title is descriptive.

Claims 1-15 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claim 1 has been amended to show that the method is performed by a computer. Thus, the method is tied to a statutory class of invention. Claim 11 has been amended to provide a computer readable medium that includes code for performing the recited steps upon execution by a computer. Thus, Claims 11-15 are in an appropriate statutory format. Therefore, Applicant respectfully submits that Claims 1-15 are in accordance with 35 U.S.C. §101.

Claims 1, 11, and 16 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1, 11, and 16 have been amended to address matters raised by the Examiner. Therefore, Applicant respectfully submits that Claims 1, 11, and 16 are in accordance with 35 U.S.C. §112, second paragraph.

Claims 1, 2, 4-8, and 10-20 stand rejected under 35 U.S.C. §102(a) as being anticipated by "Balanced Scorecard Step-by-Step published by Niven. Independent Claims 1, 11, and 16 recite in general an ability to categorize activities into appropriate categories so that like activities are

assessed against each other and determine which activities within a particular category are to be funded in accordance with the applied strategic value ratings. By contrast, the Niven publication merely eliminates non-strategic initiatives and determines a ranking of all strategic initiatives. Thus, the Niven publication fails to categorize activities into separate categories so that like activities are assessed against each other and then determine which activities within a particular category are to be funded in accordance with applied strategic value ratings as required by the claimed invention. Therefore, Applicant respectfully submits that Claims 1, 2, 4-8, and 10-20 are patentably distinct from the Niven publication.

Claims 3 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over "Balanced Scorecard Step-by-Step" published by Niven in view of PCT Publication No. WO 01/16836 published by Sharmar. Independent Claim 1, from which Claims 3 and 9 depend, have been shown above to be patentably distinct from the Niven publication. Moreover, the Sharmar publication does not disclose any additional material combinable with the Niven publication that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 3 and 9 are patentably distinct from the proposed Niven - Sharmar combination.

CONCLUSION

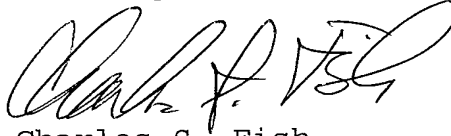
Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicant respectfully requests full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments associated with this Application to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in dark ink, appearing to read 'Charles S. Fish', is written over the printed name.

Charles S. Fish

Reg. No. 35,870

January 29, 2009

CORRESPONDENCE ADDRESS:

2001 Ross Avenue, Suite 600

Dallas, TX 75201-2980

(214) 953-6507

Customer Number: 05073